

# Forever Ours

A Handbook For Divorcing  
And Other Parents Apart

How to:

- 4 talk to your child
- 4 face your own feelings
- 4 parent across the miles
  - 4 keep the other parent involved
- 4 build an effective support system
  - 4 deal with the uncooperative co-parent
  - 4 adjust to the case of the absent parent
  - 4 bridge the gap in never-married cases
- 4 reduce child support/visitation conflicts
- 4 avoid long, expensive no-win custody battles

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It wasn't the divorce, per se, that could harm Jamie, said the doctor. It was how we as parents conducted ourselves after the divorce that would determine the positive or negative impact on our son's psychological health. The choice was ours, the doctor explained. We could fight over custody, with one of us coming out the loser, and risk whatever the protracted battle did to our boy, or we could work out a plan *ourselves* whereby we both continued to exercise rights and responsibilities as parents.

- Ciji Ware, Sharing Parenthood After Divorce

## Introduction

Other than traffic citations, what is the most frequent problem bringing Americans before a judge today? Problems *in the family*. Half of all marriages end up in divorce. And the popularity of living together and other unmarried sexual relationships means that more and more never-married couples also end up in child support, custody and other legal proceedings involving their children.

Judges throughout the country have begun to recognize that the courtroom is not well suited to handle family issues. Ugly courtroom battles tend to increase the conflict, leaving many couples - and their children - with lasting emotional scars.

Not all the damage is done in the courtroom. When people are in the midst of divorce, legal separation, or other family disputes, they often strike out at each other in verbal abuse - and even domestic violence. In a word, they make life hell for each other. Caught in the throes of emotional pain and stress, they do things they later regret. And who regrets it even more? Their children.

In light of these problems, judges have searched for ways to help divorcing and other separated parents deal with their pain more effectively.

One thing that has been found to help is a form of education. Most jurisdictions now offer brief classes for parents early in their experience with the court.

The point of these classes is not to save marriages or otherwise reunite parents. The point is to provide parents with information that can help them 1) get their emotions under control, 2) find their way through these family restructurings with less conflict, 3) better understand how all of these changes affect their children, and hence 4) better meet their children's needs.

The Parent Information Program in Maricopa County Arizona is one such class. Implemented in January 1997, the Parent Information Program is a 3 to 4 hour class covering:

- the emotional effects of divorce and separation;
- how children's reactions vary by age and stage of development;
- what children need for healthy adjustments;

- strategies for overcoming the intense conflict that so often accompanies divorce and other co-parenting situations;
- how domestic violence affects children, even when the violence occurs only between the adults;
- the responsibilities of parents, both emotional and financial;
- family court procedures;
- how to tell if a child is not coping;
- where to get help for yourself and your children, when needed.

Three to four hours is not much time to address all of these matters. In that brief period, we can cover only a few points on each topic. Other important areas must be foregone entirely.

This handbook has been prepared as a supplement to the course. It takes up some additional topics, and it allows us to address some of the classroom materials more fully.

## **Divorce: No Small Problem**

As we noted at the outset, divorce is not the only problem that brings couples into legal disputes involving children. Living together and other unmarried relationships are very popular today and these, too, frequently end up in the courts over the children. Nevertheless, divorce remains by far the most frequent case.

In Maricopa County Arizona alone, roughly 20,000 divorces will be filed this year. That's 40,000 adults who will struggle with one of the most disruptive experiences of their lives. About half of these 20,000 divorces will involve minor children - approximately 25,000 - who will be stressed, torn, and, in the typical case, just plain frightened over what may happen to them.

Today, adults often go into a divorce expecting it to be no big deal. After all, divorce is so common now. The tendency is to assume that since we are divorcing so much we must have gotten better at it. In fact though - before it is over - divorce usually causes people *more* problems today than it did in the past. Why? Because it's a bigger loss. In the past, most people lived in small communities where they knew virtually everyone in the community - and everyone knew them. They had many close bonds, many sources of emotional support. Today, most people live in large metropolitan areas where they experience most people outside of their families in at best an impersonal fashion, and often as somewhat threatening. *Family researchers tell us that today the average American has come to experience his or her own immediate family as "a haven in a heartless world."* So how do we feel when that haven starts falling apart? Well, we feel disoriented. We feel abandoned. We feel an overwhelming sense of loss. At certain stages of our loss work, we also feel a great deal of anger.

## How To Face And Deal With Feelings Effectively

We need to face and work through our feelings - if we are to stay healthy. Most of us are aware of this. But it's one thing to say that we need to face and deal with our feelings, another to address the *how* of doing this. Here are some specific "hows":

1. *Awareness* - focus on the feelings you're experiencing right now; both the strongest feeling and any other feelings that may also be present. For example, beneath or along with anger there is often wounded pride or fear.
2. *Take Time To Be With The Feeling* - If we stop and take the time to let ourselves experience a feeling completely, *it will tend to lessen and then pass*. If we don't give the feeling this opportunity to surface and come out, it can stay back there, aching and tugging for attention, indefinitely.
3. *Acceptance Of The Feeling* - There is a good reason for every feeling we have, even when we don't know what that reason is. It's OK to feel this way. In fact, we should respect our feelings, because they are the basis of everything we care about. By contrast, don't tell yourself, "I shouldn't feel this way." That is showing a lack of respect for yourself, and for what you care about. You *do* feel that way.
4. *Express The Feeling In Some Way* -
  - a. Talking with someone is helpful. Usually, it is best to talk to someone you have known - and who has known you - for a long time. This is a person who will be likely to understand what you are trying to say, because they know what you care about. Whereas someone you just met (such as a bartender) is at a huge disadvantage in trying to understand what you attempt to communicate in the realm of feelings. They hear what you say, but they don't know what those things mean to you.
  - b. It's also helpful to write our feelings down. This can be done in poems, for example, or in letters. It is often a good idea to write a letter to someone we are trying to get over - *just don't send it*. Keep it instead. And read it again a week or so after you wrote it. You will usually be glad you didn't send it. Your feelings will have changed - partly because writing them down helped you move on.
  - c. Crying is especially good. Many adults find it difficult to cry in the presence of another, but it is just as effective to cry when we are alone. Two good places are in the shower and in bed. The running water of the shower will often help us to get started, sort of priming the crying pump a little. And crying in bed is a good way to let go of painful feelings, so we can sleep better.
5. *Anger Away* - A few words about expressing anger. Just telling someone we are angry may not be helpful. Anger always comes from some kind of frustration.

If talking about your anger leads you to focus more attention on what is frustrating you, it may only increase and extend your anger. A change of environment can be more effective: removing yourself from the things (including people) that you find frustrating, can reduce your anger on the front end - by reducing your frustration. The other side is: letting go of the anger you already have, from earlier frustrations. This can often be done by physical activity - from cleaning to athletic activities. Any activity that makes use of the large muscles. Just taking a good brisk walk, really striding out with the leg muscles, can release a lot of anger.

6. Sometimes we just give in to anger. We “go off” and lose control, yelling, kicking, throwing and breaking things, even harming other people. Better to work off your anger by constructive activity - such as brisk walking or athletic workouts - as noted above. “Going off” and losing control not only comes with heavy costs and regrets, it backfires from the standpoint of anger relief - adding new frustrations, hence more anger.

7. Remember that the feelings associated with divorce are much like those experienced when a loved one dies.

8. Admit to yourself that the divorce represents the death of many of your hopes and dreams. It is only appropriate to feel like something died. It did.

9. Expect and allow your divorce recovery process to take time, an average of two years. Don't kid yourself that you don't need any time to recover - and run straight to another relationship. Rebound relationships are notoriously unsuccessful. Why? Because the person is trying to replace the one they aren't over yet. But people are unique. You can't replace them, you have to grieve them. Only after you have finished that grieving, are you ready to accept someone new in their own uniqueness.

10. When you talk to people about your feelings in this loss process, tell them you mostly need them to listen (rather than giving advice, trying to fix it, or trying to cheer you up). Cheering up is not always what we need. Sometimes, as noted above, we need to face our painful feelings - so they can surface and pass.

11. Limit contact with family or friends who pass judgment. Even passing negative judgment on the other person, your former mate, will not help. It doesn't help to hear that person called ugly things. Why? Because you still care about them! If you didn't, you wouldn't have all this pain. Besides, being told, “You didn't lose anything. He was just a jerk” belittles your feelings. Better to find a listener who will say, “I know you really loved him (her).”

12. Realize that some family and friends have their own needs in relation to the divorce, and hence may not be able to be good support people.

13. Know that confusion, anxiety, and vulnerable feelings are normal in this process, and will pass as you move through the stages of your recovery. On this score it is helpful to read one of the many books on divorce recovery.

14. Talk to people who have been through it and are doing well.
15. Consider getting into counseling, especially a divorce recovery group - so you can share with others who are going through the same feelings and can really relate.
16. Don't try to block or avoid your feelings by heavy use of alcohol or drugs. Like any attempt to block or avoid our feelings, these backfire - *extending* our pain.
17. Be gentle with yourself.
18. Remember that the the most important thing you can do for your children is to work through your own feelings on a timely basis. In short, don't bury yourself in parenting - becoming a "superparent" - to avoid your own feelings. This will not serve your kids.

(Many of the points in the preceding section have been adapted from Bob Tures, Ed.D., handouts prepared for Conciliation Court Parenting Class, Superior Court of Arizona, Coconino County, and The Guidance Center, Flagstaff, Arizona.)

## Hearing Your Child: Active Listening

As developmental psychologists emphasize, the child's inner-world is different than an adult's. Things are less permanent in the child's mind, for example, partly because less of the child's thought is structured in the fixed categories that language provides. And time is vague to the child. "Not now, we'll do that next week" might as well be "next month" or "next year." So all waiting seems like an eternity to a child.

In short, children think differently than adults. Because of these differences in thinking, what we tell our children often makes little sense to them.

To overcome this problem - to communicate effectively with your children - start by finding out what is going on in *their* minds, how they are perceiving the world. And take into account that children's ways of thinking continue to change as they develop. You need to stay in touch with how they are perceiving the world right now. In a word, effective communication with children depends less on what you say to the child than on how well you *listen*.

All of the above is true even in an intact, happy and stable family, a family functioning in the best of circumstances. In the midst of a divorce, practicing good listening skills becomes still more important - and more difficult. *Children whose families are coming apart have a tremendous need to communicate, to express their fears, anger and sadness. Yet they will actually be more hesitant and less open in their expression of feelings than usual.* Their trust has been shaken, and they don't want to say anything that may cause you to turn against them. One parent has already left the home, they suspect it's their fault, and they certainly don't want to say anything that might cause the other parent to leave. They are likely to be even more careful when talking to the nonresidential parent, whom they feel they've already alienated (and are hoping to win back).

To overcome children's inhibitions and meet their needs to communicate, a number of "active listening" techniques are recommended:

1. Ask questions, making them specific. Don't just ask "How are you doing?" but specifically "how are you feeling about moving (or some other specific in the child's life)?"
2. Follow-up questions. "So moving is 'okay'. What do you think is the best thing about moving?" Then (later) "the worst thing?"
3. Paraphrasing. This means repeating the child's statement in different words, attempting to summarize what you think the child is trying to say. Doing this shows that you are really listening. It also shows that you understand - and gives the child a chance to clarify things when you don't. "So you thought the other kids were making fun of you because your Mom and Dad are getting a divorce?" (pause) "It sounds like that made you feel pretty bad." (pause) "I guess you felt like shrinking so small that no one could see you, huh?" Pause after each



paraphrase, to let the child jump back in; continue with another if they don't - or after they stop again.

4. Interest expressions. These are little words that help to keep the child talking. "Uh-huh," "Go on," "Oh really?" These brief expressions - as well as nods of our heads, active eyebrow work, and other thoughtful gestures - assure the child that we *want* them to continue.

Sometimes "active listening" is not enough. Because of the child's tension, he or she simply won't open up. Rather than throwing in the towel or continuing to carry the entire burden of the conversation yourself, try some "let's pretend" games. These are not as threatening to the child as direct questions. In fact, it's best to use these as side activities, working them in while you are doing laundry together, driving, or any other routine activity. This helps to take the focus of attention off the child. The following examples are suggested by Laurene Johnson and Georglyn Rosenfeld (Divorced Kids: What You Need To Know To Help Kids Survive A Divorce):

1. If you could have X-ray vision for just a few moments everyday, when would you like to have it and how would you use it?
2. If you could travel in a time tunnel, where would you want to go and why?
3. If you could have any special power, what would you like it to be? How would you use it?
4. If you could change anything about yourself, what would it be? Why?
5. If you could do anything you are not allowed to do now, what would it be? Are you going to allow your children to do the things you can't do?
6. If you could make up all the rules you have to follow, what would your rules be?
7. If you could keep people from teasing you or saying anything about you that you don't like, what kinds of things would you make them stop saying or teasing you about?
8. If your house caught on fire and you could only save what you could carry in one trip, what would you save? (Assume all the people and pets are already safe outside.)
9. What would you do if airline tickets only cost a penny? Where would you go? Who would you take with you?
10. If you could trade places with anyone in the world for just one day, who would you want it to be? Why?
11. If you couldn't have your real mother and father, who would you want to be your mother and father? Why? (They don't have to have lived at the same time or be the same age.)
12. If you could be any other person who ever lived, who would you want to be? Why? Where would you go and what would you do?
13. What is the best thing that ever happened to you? Why? What is the best thing that happened to you since the last time I saw you (or talked to you)? Why? The worst thing that ever happened to you? The worse thing that happened since the last time we talked? Why? How did that make you feel?
14. For just one week, if you could be any kind of animal that ever lived, what would you want to be and why?
15. If you could tell a child in a divorced family one thing to help them, what would

you say?

16. If you could write a book that everyone in the world would read, what would you write about? Would you like to write a book? If so, why not start now by keeping a journal, writing down some of your thoughts and ideas every day? (Make sure the child understands that a journal is private - for their eyes only. And buy the child a locking journal if they want to do this.)

You may think of some other “let’s pretend” questions to ask, perhaps better ones; perhaps some that are better suited to your child, more attuned to their particular interests or ways of thinking. It’s also good to turn the game around at times. See if the child can think of a “what if” question for you - or for each of you to answer in turns.

With younger children, another good technique for encouraging expression is to have the child draw something. Ask them to draw a house and a tree, for example. Go about your own business while the child works on this project (rather than hovering over them). When they finish, ask about particular parts of the drawing. “What’s this?” (When asked to draw a house and a tree, a standard activity used by child therapists, most children will add other things as well - such as a sun, clouds, grass, people.) Go on to ask 1) what is happening in the house, 2) how the child who lives there feels about this.

(Portions of the preceding section adapted from Laurene Johnson and Georglyn Rosenfeld, Divorced Kids: What You Need To Know To Help Kids Survive A Divorce.)

## Grief As Opportunity

Divorce and other ended relationships bring us great feelings of loss. These feelings are much the same as the feelings we experience when a loved one dies.

Grief is painful, it is confusing, and it can leave you feeling empty. But there is one positive side to grieving. If we take advantage of it, this is the ideal time to make changes in ourselves.

When can we expect people to change? Only when they are in pain. This is a point that therapists appreciate. A client who is basically satisfied with his or her life will not invest the effort to change. We all see this every January, when people make New Year's resolutions. Do most of them keep their resolutions? No. They are too at ease, too satisfied with their lives the way they are. But a person in grief has the motivation to change.

Not only is this an ideal time to make changes in yourself, you *will* change - whether you want to or not. The pain will see to that. The only question is: Will these changes be for the better or the worse?

Be careful who you spend your spare time with right now. You will tend to take on some of the ways of anyone you are hanging around - whether or not you find that person admirable. Why? When you lose someone you once loved, you lose parts of yourself, many of your identities - all the things you were - to, for, with, and because of that missing person. So grief leaves you feeling empty inside. You will adopt traits from others *to fill that painful void*.

Pain does not guarantee improvement, just change. The direction of the change, desirable or undesirable, is uncertain. If you want to improve, you need to become aware of what is happening - and *take some control* of these changes.

### Make Three Lists

Here is an exercise for enhancing your awareness of the change process and directing its course. Make three lists. First, take time to make a list of traits or characteristics you have *that you want to keep*. This list should be made first - because when you have lost in love you will often be down on yourself. "If he (she) doesn't want me anymore," we tend to feel, "then I hate myself." So it is well to remember that you have certain *desirable* character traits. Not only because this will help you to maintain a sense of your worth - but because you will be at risk of *losing* these desirable traits unless you stake a continuing claim to them. Especially in the anger stage of loss, we tend to turn against ourselves. No exercise will completely prevent this. But, by staking this claim, you can keep from turning against the best parts of yourself.

Second, go on to make another list: traits that you want to *give up*. Yes, we all have some characteristics that we would rather let go of. Perhaps you have

always been a procrastinator, putting off things that should be done. Or maybe you would like to quit smoking. Believe it or not, this is an ideal time to overcome such habits.

On a third and final list write down some *new* traits, traits you would like to *add* to yourself. Have you been meaning to start an exercise program? Perhaps signing up at the local health club? This is an excellent time. But don't restrict this list to superficial things like slimming down to improve your appearance. A good way to move beyond the superficial is to think of someone you have admired. Someone you have known and always considered truly admirable. Ask yourself: What is it - or what was it - about that person that made them so valuable? What specific traits of theirs would I like to take on?

Making these lists is not something you should attempt to complete in one sitting. Doing this right takes some time. *You should choose the items you put on these lists carefully. When you are in grief, they will tend to become realities.* So leave these lists someplace, such as on your bed stand, where you can work on them off and on for a week or more.

It is *not* the goal here to develop long lists. Short lists, with perhaps two or three items on each, are usually more effective. The value of this effort will depend not on the number of items you come up with, but on the importance - the worth - of the traits you identify. If, for example, you succeed in overcoming a habit of procrastination, that one change alone can enhance your life immeasurably.

(Parts of the preceding section adapted from Ron Neff, Goodbye, My Love: How To Mend A Broken Heart. Forthcoming.)

## From Spouses To Cooperative Parents: Charting Your Progress

Divorce is more than a loss process. Indeed, it is more than an emotional process. It involves legal, economic, physical, social, community and other adjustments. Paul Bohannon, Alice Aslin, Harriet Whitman Lee, Linda Campbell, Vicky Lansky and Elizabeth Hickey have all presented useful breakdowns of the multiple sides of divorce. Incorporating dimensions from several of these authors, Ciji Ware has provided one of the most thorough pictures of the successful divorce transition. She presents it in the very practical form of a checklist. We offer it here with minor modifications.

### Divorce Checklist: How Far Have You Come?

<i>Level of Divorce</i>	<i>As Former Spouses</i>	<i>As Parents</i>
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Check the boxes that apply to your past or current situation *in order to assess how many levels of divorce you have completed.*

- |                        |   |   |
|------------------------|---|---|
| 1. Legal<br>Divorce    | <ul style="list-style-type: none"> <li><input type="checkbox"/> have met with lawyer and/or mediator</li> <li><input type="checkbox"/> case filed</li> <li><input type="checkbox"/> papers served</li> <li><input type="checkbox"/> court appearance(s)</li> <li><input type="checkbox"/> settlement conference(s)</li> <li><input type="checkbox"/> temporary decree</li> <li><input type="checkbox"/> final divorce decree</li> </ul>   | <ul style="list-style-type: none"> <li><input type="checkbox"/> parenting options discussed</li> <li><input type="checkbox"/> impact of divorce on children studied (in books, articles or classes)</li> <li><input type="checkbox"/> written parenting plan developed</li> <li><input type="checkbox"/> final parenting agreement signed by judge</li> </ul>                 |
| 2. Economic<br>Divorce | <ul style="list-style-type: none"> <li><input type="checkbox"/> financial situation assessed</li> <li><input type="checkbox"/> expert financial advice sought</li> <li><input type="checkbox"/> detailed budget drawn up for each household</li> <li><input type="checkbox"/> steps taken by both spouses toward financial independence (jobs, training, etc.)</li> <li><input type="checkbox"/> assets rearranged (if required)</li> <li><input type="checkbox"/> final financial settlement reached and executed</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> budget for children's present and long-term needs drawn up</li> <li><input type="checkbox"/> each parent's financial responsibility for children defined</li> <li><input type="checkbox"/> written plan for children's financial future developed and incorporated into final financial settlement</li> </ul> |
| 3. Physical<br>Divorce | <ul style="list-style-type: none"> <li><input type="checkbox"/> all personal property separated</li> <li><input type="checkbox"/> two separate living</li> </ul>  | <ul style="list-style-type: none"> <li><input type="checkbox"/> living space arranged for children in each</li> </ul>   |

	residences established	residence
4. Emotional Divorce	q denial stage	q divorce discussed with children on level they can understand
	q anger stage	
<i>Level of Divorce</i>	<i>As Former Spouses</i>	<i>As Parents</i>
	q negotiation stage	
	q depression stage	q children assured both parents love them and will care for them
	q acceptance (at peace with the loss)	
	q professional help obtained for self, if needed	q professional help obtained for children, if needed
		q trust & respect for ex-spouse as parent
5. Psychic Divorce	q feelings of loss	q feelings of guilt for putting children through pain of divorce
	q feelings of rage	
	q feelings of abandonment	q feelings of inadequacy as single parent
	q fear for individual survival	
	q severe loneliness	q help sought in gaining parenting skills
	q lonely only at times	
	q feelings of accomplishment	q feelings of competence and pride as a parent
	q feelings of adequate self-esteem	
6. Sexual Divorce	q sporadic sex with former spouse	q child put in role of absent parent as your major source of affection
	q flirtatious "come-ons" to former spouse	q child put in role of "messenger" between parents
	q mixed sexual messages to former	q acting as a positive role

	spouse	model for child
	q going thru "second adolescence" / wild oats stage after separation	
	q clear messages sent to former spouse to end sexual ties	
<i>Level of Divorce</i>	<i>As Former Spouses</i>	<i>As Parents</i>
	q ready to accept a new sexual partner in their own uniqueness - not as a replacement	
7. Social Divorce	q feeling a misfit in a world of couples	q feeling part of "broken home"
	q feeling disapproved of by society	q embarrassed to be single parent
	q ill-at-ease with other singles	q okay with being single parent
	q not happy in social scene, but surviving	q enjoying bond of shared satisfactions with other parent - as children grow
	q some new friends made	
	q alone but not unhappy	
	q seeing self as separate, but whole and worthy	
	q feeling proud and accepted	
8. Family Divorce	q judged negatively by family members, or feeling so	q seeing child as victim of broken home
	q feeling pressured to conform to wishes of family	q children's contact with other parent discouraged, at least at times
	q feeling one has failed	
	q acceptance of family as restructured	q contact with other parent

	but healthy	& his/her family painful
		q sense of healthy relationship with children
		q need grasped for continuing contact with child's extended and same
family, encouraged		
9. Coparental Divorce	q at times trying to punish ex-spouse for hurting you	q determined to "win" custody
<i>Level of Divorce</i>	<i>As Former Spouses</i>	<i>As Parents</i>
	q disrespect for other parent	q seeing other parent as "bad for" child
	q other parent's need for contact with child denied	q lack of respect for other parent's role in child's life
	q other parent's need for contact with child seen	q acknowledgment that other parent has contribution to make
	q jealous of other parent's appeal to child	q willingness to attend cooperatively to child's needs
	q recognition that some needs of your child are separate from your own	q feeling other parent is reasonably cooperative
	q mostly at ease with co-parenting arrangement	
10. Community Divorce	q feeling outcast in in community of happy couples	q feeling uncomfortable at church, school
	q feeling rejected by institutions of community (church, social organizations)	q feeling disapproved of as single parent
	q feeling divorced life-style viewed	q support found within the



as deviant or threatening	community for single parents (Single Parents Association, Parents Without Partners, community centers, continuing education, etc.)
q discovering singles organizations, singles dances, dating services, singles groups at church - singles <i>everywhere</i> today!)	
q attending <i>any</i> community event without concern for blending/fitting in	q feeling normal and accepted as a single parent

Use the results of your self-assessment to pinpoint trouble spots and to draw conclusions about how far you've come.

Levels completed (a level is considered completed if you checked the last box in that section):

Legal Divorce	q
Economic Divorce	q
Physical Divorce	q
Emotional Divorce	q
Psychic Divorce	q
Sexual Divorce	q
Social Divorce	q
Family Divorce	q
Coparental Divorce	q
Community Divorce	q

Number of levels of divorce completed: \_\_\_\_\_

Levels still to be completed:

\_\_\_\_\_

Levels where I need to concentrate the most: \_\_\_\_\_

\_\_\_\_\_

(Adapted with modifications from Ciji Ware, Sharing Parenthood After Divorce.)

## Never-Married Parents

Parents who were never married represent an increasing portion of those in custody or visitation disputes. In some jurisdictions never-married parents now make up 30% of the cases.

The situations of these parents tend to differ in important ways from those of ex-spouses. But the nature of the differences vary. That is, never-marrieds do not fall into one, homogeneous group. From a study of 191 cases in Cook County (Chicago, Illinois) one researcher provides the following examples of the range of never-married situations:

- Father and mother in early 20s, grew up together, went to same high school, are living with members of their families of origin. Mother worked and paternal grandmother had provided day care for the 18-month child. Father and his family had contributed formula, diapers, clothing. Mother lost her job, and after several months she applied for public aid. Mother was unaware that public aid brought a petition for child support against the father. He and his family thought the mother was being greedy, and they responded by cutting off all informal connections. Father counterfiled for custody, and they all talked badly about each other in the neighborhood.
- Mother and father in their late 30s, both attorneys. Child is now 3 years old. Prior informal visitation and decision-making arrangements broke down when mother became engaged to be married. Mother petitioned for regular child support. Father counterfiled for shared custody or, depending on how things go, physical custody.
- Father in mid 40s, mother in 20s. Father, in 22-year marriage, with four nearly grown children, had a relationship with the mother of this now 7-year-old child during a brief separation from his wife. No prior contact until mother brought a recent child support petition. Father counterfiled for weekend visitation and 10 weeks in the summer.
- Father and mother dated briefly as teenagers. The child, now 14 years of age, had very infrequent contact with father, mostly with paternal grandparents at holidays. Mother and child had a fight and child was taken to father and left there to "teach her a lesson." Father petitioned for custody, child support.
- Mother and father were sweethearts in high school and are now in late 20s. Child is now 10 years old. Mother has two other children by different fathers and is currently on public aid and residing in public housing. Father has married, has a house, has another child, and is petitioning for custody because he has a better environment for the child.
- When child was 11 years old, father petitioned for custody because mother's boyfriend was allegedly disciplining the child in a harsh manner. Parents agreed. When child was 13 years old, mother petitioned for custody because father allegedly was not regular about his medication and was going into rages at the child. Parents agreed. The child, now 14, asked the school counselor to check if he could live with father again as mother's boyfriend hit him several times. Both parents want custody. Child wants to be a social worker because "I know a lot about problems that people have."
- Mother and father, in early 40s, broke off relationship 13 years ago; mother married and has two younger children. Father has two other children by other mothers. This child, who

is now 15 years old and never saw the father, found his name on some old papers and contacted him, initiating visitation and possible change in residency ("to get to know him before she grew up"). (All from Joan K. Raisner, "Family Mediation And Never-Married Parents." Family And Conciliation Courts Review. Vol. 35. January 1997)

## Problems And Solutions

In comparison to ex-spouses, never-married cases more often involve:

1. Conspicuous failures to communicate. Often one or both parties have jumped to conclusions because of the absence of communication. The use of a professional mediator, a neutral party skilled at facilitating effective communication, is recommended in these instances. ( See later section in this handbook, "Mediation: Sometimes A Neutral Third Party Can Help.")
2. Threatened strangers. In divorcing cases, the problem is one of moving from an emotionally-involved to a business-like relationship. For never-marrieds, the problem is more often to develop *any* relationship. In brief, the two parties often don't know the other person, and are threatened by this unknown. Just as with any other parties who are attempting to build a relationship anew, their prospects are enhanced by *going slowly*. Starting off with brief contacts in which you ask for - and extend - small favors is the best way to earn each others' trust. Try not to ask for too much too soon - before a basis for trust has been established. For example, if the other parent hasn't seen you in five years, and the child has been residing with them, don't expect them to immediately send the child off for a weekend outing with you. Start off with visits at the other parent's home, so the parent - as well as the child - can get to know you first.
3. No parent-child bond. It is not only the other parent, but also the child who may be a stranger to the nonresidential parent. Whereas the child of divorce has typically spent the bulk of his or her life living together with both parents, the child in never-married cases may have had little or no contact with the other parent. This child may also be quite uneasy when apart from the residential parent for any length of time. In these cases, visitation plans should allow the child time to adjust, and to develop rapport with the nonresidential parent. This can be accomplished through "graduated" visitation. Graduated visitation may begin with short visits in the child's home (in familiar surroundings and the security of the residential parent's presence), to short outings (some accompanied by the residential parent, some not), to day-long visitations, and eventually to normal overnight and weekend schedules.
4. Stepparents. As often as not, the never-married parent, whose involvement with the child's other parent was normally years ago, is now married or in a new and well-established relationship. Thus stepparenting issues are typical in these cases.

It would be helpful if the stepparent would enroll in this course - either alone or in the company of the biological parent. If stepparents attend this class, they will understand 1) that children benefit from contact with both of their biological parents, even when they have an active stepparent as well, 2) how and why

children are harmed by exposure to strident criticisms of a biological parent, and 3) many of the reasons why you, the biological parent, are doing “x” and avoiding “y” after attending the class (which may head off conflict between the two of you).

### Pain That Divides

Other issues characteristic of never-marrieds have to do with differences in the emotional pain they are dealing with. In comparison to divorcing couples, never-marrieds typically come to the courts with less in the way of emotional torment between themselves *and the other parent*. If they were ever in the midst of the shock, anger, and other anguish that comes with losing in love, that time has passed in most cases. Perhaps it is not surprising, then, that never-married parents are actually more likely than divorcing couples to reach out-of-court agreements; there is less pain dividing them. (Joan Raisner, “Family Mediation And Never-Married Parents.” Family And Conciliation Courts Review. Vol. 35. January 1997.)

On the other hand, never-married parents tend to have *more* emotional pain separating them *from their children*.

Pent-up child anger. It is normal for the child in this situation to be harboring anger. The child resents having been deprived of one of his or her parents for so long. This anger may be directed at the parent who was absent, toward the other parent (whom the child often blames in some way for the other's absence), or, often enough, toward you both. Especially with younger children, this anger may be held inside. As the children become older - and less dependent on the parents - they will be less fearful of showing their anger, and it is likely to be expressed in outbursts at times.

What can be very helpful is for the parent who was long absent to apologize to the child. Tell the child you realize that somewhere inside they are probably angry at you - for not being there for them. This helps these children to feel more whole, less divided against themselves. Go on to tell the child that you hope they will forgive you, maybe not today but soon. Tell them, too, that if they are angry at the other parent, you hope they will forgive him or her. (The child will be better off if they do forgive you. The child who doesn't, who continues to resent one or both parents, will be less responsive to parental guidance. Further, especially if they resent you both, they will often find it difficult to assume the role of a parent when their time comes. They are alienated from the parenting role.)

Parental guilt. In addition to the child's resentment, you may be burdened with your own feelings of guilt. If you do have guilt, you want to face it - and let it go. Why? For the child's sake! We tend to avoid anything that we feel guilty about. Unfortunately, that includes our children. (A nonresidential parent, for example, often puts off calling a child, or sending the child a letter, because he or she feels that this kind of communication is inadequate - that it falls far short of meeting the child's needs. The reality is that the child wants to hear from that parent!) In short, guilt can and does get in the way of parent-child relationships.

Once again, the answer lies in forgiveness. Yes, you probably made some mistakes. Certainly, it is good to admit that to yourself - and to apologize to the child, as noted above. But then you can go on to say to yourself, "Okay, I'm human. I make mistakes. Now, I'm going to forgive myself."

There is another reason to let go of this guilt. When they feel guilt-ridden, parents tend to have trouble saying "no" to their child. They spoil them with gifts and lavish entertainment (whatever the child wants) and fail to set firm limits on the child's behavior (letting the child stay up late or come home late, for example). This is not in the child's interest. Apologize to the child - just once - forgive yourself, then remember who the parent is. Children need limit-setting, to develop reasonable expectations in life, and to be kept safe. They also feel more secure when their parents set firm limits.

## Parenting With The Uncooperative Parent

Often during our classes a parent will ask, “What about *my* situation, where the other parent refuses to cooperate and is impossible to deal with?” We attempt to address the question, first, by acknowledging that one cannot change another person’s behavior or personality. And you can’t achieve cooperation all by yourself. We do know that by using some of the tools we provide in class on how to reduce conflict and on effective communication techniques, you maximize the chances. In fact, over time the other parent will *usually* begin to cooperate. Of course, there are exceptions.

Early on, it is difficult to know whether you are dealing with an exception. It is all too easy - and only natural - to view the other parent with suspicion at this point. In short, you are not an unbiased observer. If we are honest, most of us find it difficult to be cordial or cooperative with an ex-mate immediately after a separation. This is especially true if the other person initiated the ending. Many couples appear “pathological” in this early period, with one or both repeatedly accusing, attacking or otherwise expressing hostility if they have any significant contacts.

When the two parents cannot communicate calmly, *parallel* parenting is recommended. Each parent simply attends to his own parenting time. This means each parent assumes full responsibility for the child when the child is in that person’s care. There is little exchange of information and little attempt to coordinate the routines in one household with those in the other. Further, there is little room for flexibility in the visitation schedule because variations provoke hostile reactions. Parallel parenting is not the ideal situation for the children but it is better than exposing them to chronic parental conflicts.

Over time, many formerly hostile couples can move beyond parallel parenting to gradually achieve *cooperative* parenting. This is better for the child. Unlike mere parallel parents, cooperative parents can communicate calmly, directly, and effectively about their children’s needs; they can coordinate rules and routines for the children across the two households; and they can accommodate considerable flexibility in parenting arrangements.

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Parallel Parenting ---> TIME ---> Cooperative Parenting

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This is the usual pattern, a gradual progression from parallel to cooperative parenting. Nevertheless, some parents will continue to be uncooperative, unreasonable and hostile - regardless of your best efforts. Attempting to reason with such a person may indeed prove impossible and, in extreme cases, unsafe (domestic violence situations). *In fact, in domestic violence situations, cooperative parenting shouldn’t even be the goal. Parallel parenting will better permit you to protect your safety.*

Specific Tips

1. If hostilities arise when you contact the other parent, *minimize the contacts* - by:
  - Avoiding their residence (pick up and drop off children at school, day care, grandparents or neighbors) and encouraging them to do the same.
  - Keeping enough clothes, toys, and bath items at each home to decrease the need for transfers of these items.
  - Mailing notes or leaving messages on answering machines rather than speaking directly to the other parent (do *NOT* ask your children to convey messages or send notes with them).
  - Waiting until 2 or 3 points accumulate and addressing them in one such message (rather than “pelting” the other parent with frequent messages on every little thing).
2. When it becomes necessary to obtain the other parent's consent or agreement on a parenting issue, consider the use of a third party (friend, family member, or professional mediator) to serve as a go-between.
3. Try to avoid jumping to conclusions when it appears that something is stressing the child or the child's needs are not being met at the other household. Initiate a clear and non-accusing communication asking the other parent for more information.
4. Especially in the early stages, if an agreement is reached on a parenting matter (vacations, medical attention, visitation) put it in writing to minimize later confusions.
5. Any communications on non-parental matters (such as division of property) should be kept separate from communications regarding the children. It's in the area of your children that you are most likely to share common concerns and hence be able to agree. Taking up other, less agreeable matters at the same time as the children drags them into the middle of conflicts unfairly, and reduces the chances for success at cooperative parenting.
6. If and when conflict-free contacts become possible, then more flexibility becomes possible.
7. Keep past conflicts out of the picture. The focus of communications now should be on current and future needs - primarily those of the children. If the other parent persists in bringing up old conflicts, discontinue the communication for now.
8. The more intense the conflict between the parents, the more structured and inflexible time-sharing and other arrangements need to be.
9. Remember: The goal is to reduce conflict. If instead your goal is to change the

other parent's behavior, to make them live up to what you see as the proper way to behave, you are not being realistic. You cannot control their behavior, just your own. Attempts to control the other parent will usually 1) lead them to dig in firmer to their own ways, as a psychological reaction to maintain their sense of independence, and 2) increase the conflict. Again, in many cases, the other parent will come around on their own over time. But some will not. It's up to them.

(Portions of the preceding section adapted from Geri Fuhrmann and Joseph McGill, Parents Apart. Family Services of Central Massachusetts and The University of Massachusetts Medical Center, Department of Psychiatry. And from Thomas F. Kinsora, A Guidebook for Cooperative Parenting and Adaptive Divorce. Center For Cooperative Parenting, Henderson, Nevada.)



## Custody: Legalities Versus Realities

We emphasize in our classes that the real *loser* in a custody battle is the child. The worst thing for the child - even worse than the divorce, itself - is to be caught in the middle of a long, drawn-out conflict. But who *wins* in these custody battles? One of the parents? Maybe not.

Under the best of circumstances, parenting is a challenging task. Children have so many needs. And they depend on others to meet those needs. In fact, in no other species are the young dependent on adults for so much - or for such a long period. Hence it is true that parenting is the most difficult job you will ever do.

Most societies assign parenting responsibilities broadly: grandparents, aunts, uncles and other extended kin all share in caring for and guiding the child. And that pattern has prevailed throughout 40,000 years of human history. It is only in the last few generations - and only in the industrialized West - that we have cut the functioning family down to the bare-bones "nuclear" unit, leaving care of the child to fall almost solely on the shoulders of two adults, the mother and father. Now, in the age of divorce, all of this care - and the responsibility for it - often falls to just *one* adult.

The irony is: That one adult often goes to great lengths, fights a long, expensive battle, *to be placed in exactly this predicament*.

"I'm going for sole custody," rings the battle cry we so often hear in the courts. The parent who sings this battle cry typically believes that he or she has *no need to cooperate with the other parent*, that the child's problems will be solved, that justice, order, tranquility and happiness will prevail when they attain sole custody - and minimize, if not fully eliminate, the other parent's involvement with the child.

Certainly, there are cases when the other parent is truly abusive, and hence the child is better off with little or no contact. Sometimes, however, abuse accusations are exaggerated or completely falsified - as a weapon to use in a misguided war, a war in which the "winner" actually loses.

The Deputy Director of the Family Division of Superior Court, Connecticut reports the following true story:

A woman was seen in the halls of the courthouse recently by someone who overheard her conversation with a casual acquaintance. The woman had gone through a custody battle with her former husband a couple of years before and was now back in court over a postdivorce dispute regarding the children. After explaining to the acquaintance why she was back in court, the woman was asked how the custody arrangement was working out. She responded, "not great," to which the acquaintance replied, "I don't understand; I thought you won custody rights." The woman answered, "Yeah, I won alright! I won the right to take the kids to all their doctor and dentist appointments. To get all the calls at work when the kids get sick or into trouble at school. To go to

all the parent-teacher conferences. To drive the kids to all their activities. To make, then carry out, all the decisions about discipline. To rush home every day from work to pick up the kids from wherever and then cook every supper. If I supposedly won, why do I feel like the loser?" (Robert Tompkins, "Parenting Plans: A Concept Whose Time Has Come." Family And Conciliation Courts Review, Vol. 33, July 1995.)

This is hardly an isolated story. It is a theme that comes up over and over again. Whether the mother or the father wins custody, the other parent often withdraws over time. And it doesn't take long. After the first two years, the noncustodial parent may wind up participating little - if at all - in the care of the child.

Unfortunately, with less involvement, child support also drops off in many cases. But that is not the issue here. Even when child support is fully paid, children need more than money. A lot more. Ask any adult who is struggling alone to meet their needs.

The solution? Hesitate - think long and hard - before you spend all that time, money and effort trying to minimize the other parent's involvement with your child. Who will this serve? You? The child? Or neither?

## Child Support And Visitation: What Works? What Doesn't?

The most frequent issue bringing a family into litigation is a "custody" dispute - a battle over who gets the kids. But only 10% of divorces involve litigation (court battles). When survey researchers contact the remaining 90% of the cases and ask about areas of continuing conflict, *child support and visitation* are the areas both mothers and fathers most often mention.

### Choose Your Weapons?

In many instances the two parents end up using child support and visitation as weapons. One of the parents, often the one who is hurting the most (who didn't want the divorce), is not in a mood to help things run smoothly. If it is the residential parent, he or she may feel the parent who left has deserted the family and has no right to see the child. Or, if the nonresidential parent was asked to leave, he or she may conclude that the other parent deserves no child support. And what is the other parent's response? To withhold the other side of the coin: the residential parent denies visitation; the nonresidential parent withholds or partially withholds child support. This is seen as a way to force the other parent to come around.

There are two big problems with using child support or visitation as a weapon:

- 1) *They aren't for the other parent. They are for the children.* Regardless of how you feel about the other parent, the children need child support. They also need to see the other parent. Even if the other parent is withholding visitation, your child still needs - and deserves - child support. The child also deserves to see both parents regardless of child support problems.
- 2) *The weapons strategy doesn't work.* Rather than forcing the other parent to shape up, withholding child support or visitation only further alienates that parent. The typical outcome? In approximately half of all divorces the nonresidential parent soon (within two years) has little or no involvement with the children. If you ask why, the nonresidential parent will tell you that the other parent poisoned the child's mind against them - or that the amount of contact they had with the child was "a joke," not enough to be a meaningful part of the child's life ( Mary Lund, "A Therapist's View of Parental Alienation Syndrome," Family And Conciliation Courts Review, Vol. 33, July 1995; James Dudley, "Noncustodial Fathers Speak About Their Parental Role," Family And Conciliation Courts Review, Vol. 34, July 1996). No, these responses are not justified. The child is the one who suffers. But while these reactions are not justified, they are just as firmly predictable.

### Solutions

So what *does* work? What is the main factor that contributes to continued child support payment? What is the main factor that contributes to continued involvement of the nonresidential parent with the child? They are one and the

same: The nonresidential parent's perception that he or she has been able to have *significant influence* in negotiating the divorce settlement and the child's continued upbringing (Jessica Pearson and Jean Anhalt, "Examining The Connection Between Child Access And Child Support," Family And Conciliation Courts Review, Vol. 32, January 1994; Braver, Wolchik, Sandler, Fogus and Zvetina, A Longitudinal Study Of Noncustodial Parents: Parents Without Children.) In short, parents stay involved - financially responsible and active - when they feel empowered, when they feel like "real parents" who have a significant decision-making role.

The implications of all this? Try not to disempower the other parent. Try to include them in the process of making decisions. And - just as important - stand up for *your own* right to remain a decision-making parent, one who still has a say. Parents often give that right away too easily, not realizing how doing so is likely to change their experience as a parent. If either parent is disempowered, the child tends to end up with only one active parent. And, as we noted in the prior section, that one parent is overburdened, stressed with more demands and responsibilities than one adult can reasonably be expected to meet. This serves no one.

The principles here are the same as in "assertiveness training." The point is to assert one's legitimate rights - ask for what you need and deserve - and encourage others to do the same. Otherwise someone's unspoken and hence unmet needs foster resentment, conflict and finally withdrawal.

### Exceptions

Yes, *there will be exceptions* to these implications. Sometimes one of the parents has no interest in the child. In that case, you might suggest to such a parent that they should reconsider this lack of interest, that they are likely to regret this later on. But that's as much as you can do. And even that may be ruled out, because you may have no idea where the other parent is. Clearly, that presents a different set of problems (see later section, "The Absent Parent.")

In some cases, the other parent may suffer from a severe emotional disorder, mental retardation, debilitating substance abuse or other limitations precluding them from effective decision-making. If the other parent is severely abusive, that presents another exception. (Don't jump too quickly to one off these conclusions, however, not unless the other parent is *truly* debilitated or dangerous. First of all, the courts know this game well. They know that an alarmingly high percentage of abuse accusations, for example, turn out to be grossly exaggerated or completely trumped up when couples are in a court battle. Second, will you really be doing your child a favor to succeed in disempowering the other parent by such an accusation? Only if the accusation is valid. Otherwise the child loses.)

### Most Of The Time

In most cases, everyone's long-run interest is served when both the residential and the nonresidential parent remain active in meeting parenting responsibilities.

This is the *practical* side of using child support or visitation as a weapon. It simply doesn't work.

And the *legal* side? Vicky Lansky sums up what you will find out ( the hard way) if brandishing these weapons escalates your conflict to the point of litigation:

It's important to remember that you can't use visitation as a weapon, or as a means of making a statement about your ex's parenting skills ("Our child is watching too much TV at your house") or to express disapproval of your former spouse's new "significant other." It is not acceptable to deny access to punish a spouse who left you for another. This sort of revenge will hurt your child more than your ex. However, access to children for abusive, violent, noncustodial parents needs to be limited and conditional (i.e., requiring the presence of a third party, and such).

If you are worried, as the noncustodial parent, that access may become a problem, keep a diary or log of events to prove visitation has been denied. And if you know anyone who has witnessed your access being denied ask them if they would testify for you if the need arises. Or ask a trusted person to go with you during your scheduled time with your child(ren) who could act as a witness. Don't withhold support payments because you'll only weaken your case. (Vicky Lansky, [Vicky Lansky's Divorce Book For Parents](#).)

Both child support and visitation are legally enforceable rights. If the other parent is not living up to his or her child support or access obligations, contact the court for assistance. In Maricopa County, "Request to Enforce" forms can be filed at either of two Clerk Of The Court offices: 201 W. Jefferson St in Phoenix; and 222 E. Javelina Ave in Mesa. Or call (602) 506-3762 and ask for 1) Expedited Support Enforcement, or 2) Expedited Visitation Services. These units are set up specifically to enforce these rights.

## Mediation: Sometimes A Neutral Third Party Can Help

You may come to court with the expectation that the judge will make the other parent shape up and do what you want. But that is rarely what happens. First of all, the judge doesn't know your children. Second, many of the points you attempt to make may have no legal significance. The judge can only address what the statutes cover. Hence, if the judge has to come up with an answer, it will usually be one that neither parent finds wholly acceptable. That alone is a sobering point to consider.

But there is another problem: If even one of the parents finds the judge's ruling unacceptable, they will often find a way to sabotage it. Then the couple ends up back in court, frequently over and over again. This is clogging up the courts, and it is costing people huge amounts of money in legal fees. Not to mention the psychological scars that both the parents and the children suffer from ugly court battles in which each parent charges the other with various parenting deficiencies. Meanwhile, the children's care remains unresolved; their need for a working and stable parenting plan goes unmet so long as the litigation continues.

The previous section discussed the advantages of keeping both parents involved in decision-making concerning the children. In reality, of course, this can be difficult to work out. After all, divorce, separation, paternity suits, and conflicts over custody, visitation or child support - the matters that bring parents to court in the first place - occur precisely because the two parents have found it difficult to get along.

### What Judges Know

Judges know that couples who come to court are in conflict, that you and the other parent haven't been able to see eye to eye. But they also know that if a third party, someone who serves as a mediator, can help the two of you to find some common ground - to reach agreements on what is best for your children - these agreements have a good track record. Compared to arrangements that the judge has to impose on the two of you, parenting plans that couples agree to *are more likely to be followed*. Hence, the couple is less likely to end up back in court. And the children's needs are not left dangling.

For all of these reasons, courts across the country are encouraging parents to consider *mediation* as a means to reach child-rearing agreements.

### So What Is Mediation?

It is the two of you meeting with a neutral third party. The mediator is a professional who is skilled at helping you to find areas of agreement. The mediator does not impose a decision on either of you. He or she simply helps you to stay focused on the problem at hand - how the children will be cared for. With the help of a mediator, people can at least succeed in communicating clearly. *They can overcome emotional roadblocks that so often keep a couple*

*from realizing what the other person is actually asking for.* When that happens, you and the other parent may be surprised to find that you *can* agree. Most important, if you reach an agreement, it's not the mediator's solution. It's your own.

As Dr. Richard Warshak, a family researcher and a long-time custody evaluator and court consultant, points out, this allows both parents to retain their roles as decision-making adults. They don't suffer the humiliation of court battles, which make them feel like helpless and misbehaving children whom the judge must scold like a parent. In short, while court battles are psychologically scarring and lower peoples' sense of self-esteem, mediation is an empowering experience. It has positive psychological effects. (Warshak, The Custody Revolution.)

Mediators realize that you and the other parent can no longer live together; you don't have enough common ground for that. But they take heart in the fact that you probably do have one area of shared interest and concern. You both care about your children. When your discussion veers off into other areas, the mediator tactfully steers you back to that common ground area, which is also the one you need to be focused on now: the children.

## Outcomes

No, mediation doesn't always work. (Various studies find settlement rates between 50% and 85%.) Even with the help of a neutral third party, some couples fail to reach a parenting agreement. But they have lost nothing in the attempt. *In fact, even when they fail to reach an agreement, couples usually report that they feel the mediation was worthwhile.* They have at least had the satisfaction of getting their parenting points across, the opportunity to actually be heard by the other parent.

But what about the cases when couples *do* reach agreements through mediation? How do they feel about those agreements in the long run? *The key question is this: How do the results achieved through mediation compare with the results achieved through litigation - through battling it out in the courtroom?* In which case are the parents more likely to be satisfied with their parenting arrangements? In which case is it more likely that both parents will remain actively involved in meeting the children's needs? And do mediated agreements really hold up better than litigated solutions?

We don't have to guess at the answers to these questions. In the last ten years there have been over a dozen studies on these matters. And the findings are remarkably consistent. In studies comparing mediation users with litigation users, most mediation clients are significantly more satisfied than clients who go to court leaving the judge to decide their arrangements. And this is true for both men and women. Why are they more satisfied? Several reasons. Mediation parents are more likely to report that they each "won" some of what they wanted (a "win-win" solution); whereas litigation parents describe a "win-lose" outcome. Also, property agreements are perceived to be more fair by mediation clients. Perhaps most interesting, while defenders of litigation often assert that mediation may not protect people's rights, the only study to compare clients on this issue

found that both men and women who used mediation felt their rights were better protected than did the litigating clients. As expected, satisfaction with mediated agreements is reflected in higher rates of living up to their terms. Clients report fewer violations than when arrangements are meted out in court. This includes visitation, child support, spousal support, and completing the final division of property. Consistent with this, relitigation rates are lower in mediation cases. (Joan B. Kelly, "A Decade Of Divorce Mediation Research," Family And Conciliation Courts Review, Vol. 34, July 1996.)

Conflict is also reduced and there are lasting differences in decision-making patterns. Parents who mediate report less conflict one year after their settlements than those who litigate. Even nine years later, mediation parents communicate more about their children and the nonresidential parents are more involved in current child-rearing decisions. (R. Emory, Renegotiating Family Relationships: Divorce, Child Custody, And Mediation.)

### Exceptions

Most authorities agree that mediation is not appropriate if either of the parties has been violent or threatening toward the other. The concern is that the abused party may be reluctant to express his or her true preferences, fearing punishment afterwards. Therefore, most mediation services routinely screen out couples with a history of domestic violence.

### Sources

Where can you find a mediator? There are two basic sources. First, the court provides a staff of mediators, who are available at no charge. This mediation is limited to custody and visitation issues. In Maricopa County you can apply for this free mediation at Conciliation Services, located on the third floor of 201 West Jefferson in Phoenix; and the second floor of 222 E. Javelina in Mesa. Call (602) 506-3296 (Phoenix) or (602) 506-2300 (Mesa) for further information.

The second source is in the private sphere. You can find private mediation services under the heading "Mediation Service" in the yellow pages. A list of private mediators, along with their credentials and their fee schedules, is also available at The Superior Court's Self-Service Center, located on the first floor of 101 West Jefferson (inside the law library) or, if you are in The East Valley, at 222 E. Javelina. Private mediation services are not necessarily limited to mediation in family disputes. They can help people resolve disputes in business and other areas as well. But many of them do specialize in family mediation, especially in divorce cases. Their specialties are clear in their ads. Fees for private mediation vary but are normally a fraction of the typical legal fees in a court battle. Incidentally, many private mediators are themselves attorneys. Others are mental health professionals. The research gives high marks to mediators of either background.



## Grandparents: Lifelines Of Support

If you are recently divorced or you're in the midst of a divorce right now, you've just lost a substantial part of your support system. As an American you may be inclined to tell yourself, "I don't need anyone's help. I'm independent and self-sufficient." The evidence is to the contrary, however. People who are socially isolated do not fare well. Most of us know this on the occupational side. We know it pays to "network." But the same is true on the personal side. People who enjoy supportive relationships with family and friends have lower rates of mental health problems, fewer problems with drugs and alcohol, and faster rates of recovery from stressful events, including divorce. Support from friends or extended family also helps us to parent better.

Especially in the realm of parenting, your child's grandparents - both your own parents *and* your former mate's - are one of the best places to find support.

Unfortunately, this source of support is underutilized.

### A Closer Look

In a wonderful study, Arthur Kornhaber and Kenneth Woodward spent thousands of hours conducting in-depth interviews with 300 children from the Northeastern United States. They went on to travel all across the country interviewing the grandparents of the same 300 children. The families in this study provided a good cross section of America today: 80% white, 10% black, 8% Hispanic, 2% Asian; 20% upper economic level, 40% middle and 40% lower. Out of these 300 children, how many do you think saw a grandparent often enough for the two of them to know each other as individuals? Often enough for the grandparent and grandchild to know something about each other's favorite foods or recreational activities, for example? Just 15, exactly 5%.

A few of the children in the study (another 15) had never met a grandparent at all. The majority (270) had infrequent and irregular contacts, seeing their grandparents briefly once or twice a year, usually on holidays.

Infrequent grandparents, the overwhelming majority today, have no chance to develop a supportive relationship with their grandchildren. They have no chance to become elders or "Great Parents." Beyond the child's name and what he or she looks like, they really don't know the child.

### Who Does This Serve?

No one is served when grandparents are pushed to the sidelines, removed from active and meaningful roles in children's lives. The children resent it. They want to spend more time with their grandparents. The child's experience often comes out in drawings. When asked to draw pictures of their grandmother or grandfather, the infrequent grandparent is most often portrayed waving goodbye! In fact, Kornhaber and Woodward find that the majority of children today express mainly negative feelings about their grandparents, ranging from worry that the

grandparent must be missing them terribly and wondering why they haven't returned, to expressing doubt that the grandparent really cares about them.

Grandparents resent all of this, too. They feel rejected, pushed aside as though they are no longer needed or valued. And they feel deprived of the opportunity to share what they have learned in life. Most of them have fond memories of long, unhurried hours spent with their own grandparents, picking up both practical skills and many tidbits of wisdom as they "helped" their grandmothers cook and their grandfathers in the workshop and the yard. Unlike their parents, the grandparent always seemed to have plenty of time for even the smallest things in life. They always had time to listen, and they could gently tug a troubled or otherwise misguided young mind back on track with a story, a well-placed wink and a knowing smile.

Today's grandparents had expected to share the same skills and wisdoms when their time came. They did not foresee the "nuclearization" of the family.

And the parents? They are stressed out! They have been left to rear the next generation entirely on their own. That is too much work - and too much responsibility - to place on the parents alone. No society in history has asked parents to shoulder that burden.

Why Assume?

Don't assume that the child's grandparents don't want to be "bothered" with child-care requests. That's how we got into this mess - by parents assuming that the grandparents deserve to be "left alone" now, that they have already "put in their time" wrestling with the responsibilities of childrearing. In reality, most of them are ready and waiting to act in the footsteps of the grandparents they so admired when they were children. And just as their grandparents before them, especially if they are retired, they probably have more time to care for children now than they did when you were a kid. They probably have time on their hands. Rather than assuming anything, why not ask them?

In most cases, the children are happier, the grandparents are happier, *and* the parents are happier - when the grandparent plays an active role in the child's care and guidance. It's a "win-win-win" situation.

Finally, it is not only the grandparents on your side - your own parents - who should be considered. Even after a divorce, the grandparents on the other side will usually be delighted if you will permit and assist them to continue their relationships with the child. Yes, there will be exceptions. But the research shows that parents who assume the other party's parents would prefer to be out of their grandchildren's lives after a divorce are normally quite mistaken. They know how prevalent divorce is today. After the divorce is finalized - and things are back to a routine - they will usually receive you graciously if you will drop their grandchildren off for visits. This is typically true even if you and the other parent are not on good terms. After all, your conflict isn't with them. And their grandchild is still *their* grandchild. (Indeed, in many cases, you will find that they would like to continue their relationships with *you* as well! Why should *they*

have to lose you? Particularly if they had become quite fond of you? And, quite often, they can be a major source of help to you - part of your support system - in your new and sometimes challenging life as a single parent.)

(Large portions of the preceding section adapted from Arthur Kornhaber and Kenneth Woodward, Grandparents/ Grandchildren: The Vital Connection.)

## Language Matters

Law in the Western world focuses primarily on individual rights, especially property rights. Family law is no exception. Tracing to a time when children were viewed as their parents' property, the emphasis is almost exclusively on the rights of parents. While we have recently made much of a well-known "children's bill of rights," few if any of these idealistic rights are legally enforceable. Judges have expressed increasing frustration with the law's lack of responsiveness to the needs of children.

The Children Act of England and Wales, passed in 1989 and implemented in 1991, attempted to remedy this situation. Similar legislation has been enacted in Maine and Washington in the U.S., and at least a dozen other states are considering bills addressed to the same problem. A primary focus of all these initiatives is changing the *language* of divorce. Terms such as "custody," "visitation rights," and "award" not only focus attention on the rights of parents to the neglect of children - but do so with adversarial "win-lose" connotations. This encourages parents to dig in and battle against one another.

This separation between parents may have been enforced in the past by the use of terms such as "custody" or "visitation." These words imply ownership or possession and inherently have a negative and territorial connotation by virtue of their usage. It's as if children were part of the material distribution and not something that must be loved, nurtured and shared by both parents. (DR Quarterly, Winter 1997, a publication of The Arizona Supreme Court).

Many language changes are being proposed, but perhaps the most important comes from substituting the word "responsibilities" for the word "rights." As judge Nigel Fricker writes in discussing The Children Act of England and Wales,

"The focus of the Act is "parental responsibility." Historically, and in general legal culture, legal practice has focused on rights . . . The word "custody" implies the right to control a child. The jurisdiction provided by the Act, which can be exercised in court, is not over the right to control a child or to visitation rights. Conceptually, the jurisdiction under the Act is over the exercise of parental responsibility for children . . . responsibilities to parent their children and to provide for their needs." (Family And Conciliation Courts Review, Volume 34, No. 3, July 1996.)

Court conciliators, mediators and evaluators have long recognized a related point: the language we use greatly influences the prospects of reaching parental agreements. By avoiding rights-focused terms such as "custody," "visitation" and "access," and substituting such terms as "parenting," "parenting plan," and "shared responsibilities," both parents can focus more readily on their children and find it easier to cooperate with one another.

Whether or not these alternatives are yet incorporated into the statutes of one's jurisdiction, parental conflict is reduced, agreements are more likely to be

reached, litigation is reduced, and, most important, children's needs are more likely to be met, if parents, attorneys, and court personnel alike reduce the use of certain terms and substitute others whenever possible. Among them:

<u>Problematic</u>	<u>Alternative</u>
custody	division of responsibilities
physical custody	residential plan
legal custody	decision-making plan
visitation	time sharing
primary parent	residential parent
custodial parent	residential parent
joint legal custody	shared decision-making
sole legal custody	major decision-making responsibility
joint physical custody	shared home time
sole physical custody	major responsibility for home time
order or award (of custody, visitation or child support)	parenting plan, agreement
"ex"	child's other parent
my rights	our responsibilities

A final language issue merits attention. Part of the problem may run deeper than our legal statutes. In comparison to the languages of other societies, particularly societies that are less industrialized and urbanized, modern Western languages have few terms that refer to close, nurturing relationships. Writers are suggesting that we can benefit from drawing on terms from non-Western, family-centered cultures. For example, Chinese has a wealth of terms that refer to positive family relations. There may be qualities that Western people possess and share at times - but could identify and share more consistently if they had words for these relationship insights. Consider the examples listed below. Perhaps one or two of these words describes a talent that you possess, but were never able to put a finger on. Having a word for it may help to bring this valuable relationship quality to the forefront in your life. When people notice this gift you bring to relationships, you can share the word with them. Perhaps they can

develop the same talent. At a minimum, learning and sharing a few such terms is fun. It makes for interesting conversations.

<i>amaenu</i> (Japanese)	downplaying one's abilities, admitting personal weakness, for a relationship to work
<i>chineando</i> (Belizian Spanish)	the joy (without which life would be incomplete) of nurturing another's young child
<i>confianza</i> (Spanish)	relation of total trust and belief in another (beyond best friend or confidant)
<i>oriendu</i> (Huron)	bringing one's complete self (in balanced wholeness and calmness) to bear on another's problem
<i>sitike</i> (Apache)	pledge of a mother or father to come to the aid of a child's spouse (contrasts with Western conception of "meddling" in-law)
<i>shih</i> (Chinese)	insight/wisdom shared with tact and beauty of expression
<i>ta</i> (Chinese)	knowing sadness, disappointment as a part of life (rather than channeling it into blame)
<i>tjojog</i> (Balinese)	working together with another in such harmony that effort is scarcely perceived
<i>wabi</i> (Japanese)	finding beauty in imperfections, including endearment or appreciation in another's faults

(Adapted from John Kydd, "Language and Family: The Poverty Of English." Family and Conciliation Courts Review, Volume 34, No. 3, July 1996.)

## The Long-Distance Parent

Few issues cause a divorcing parent more concern than the prospect of becoming a long-distance parent. Further, this is one of the most frequent concerns couples express when they are trying to work out their continued parenting. Even when neither parent is planning to relocate, one or both of them often look ahead to the fact that this *possibility* could now arise. This raises several points. First, most divorcing parents today probably *should* examine this possibility. Where people are needed changes rapidly in industrialized economies, hence employment realities alone may lead to a relocation of one parent. Other times, one parent eventually decides to return to a prior location, often an area where they have extended family. A good way to address this possibility going in is to include it in your "parenting plan" (a detailed written agreement spelling out how each parent will continue to share in the child's nurturing). Most often the issue of one parent relocating is written into the parenting plan as a matter that each agrees would call for a complete revision of the plan. They further agree that this revision must be worked out, to their mutual satisfaction, prior to the relocation occurring.

A second point is simpler: the anxiety about long-distance parenting can be overblown. One needn't assume that this outcome is all "downer" for the child. In fact, children tend to enjoy the fact that they have a parent in another city or another state. It adds another dimension to their lives, something they - and their friends - tend to find exciting. Children may also look forward to and enjoy traveling between their two homes. After all, flying on a plane - or even riding a big bus - is an adventure to a child. So don't adopt a gloom and doom attitude about this. If you do, it will tend to reduce your efforts to contact the child, or to keep the child in contact with the other parent. We tend to avoid activities that we define in a negative light. Just as important, if you assume that long-distance parenting is a gloomy situation, your children will pick up on that. They are likely to adopt the same negative feelings - from you. Whereas, if you define it as okay, even fun, so will they. None of this is to deny that the child and the long-distance parent will miss each other when they are apart. Indeed, you want to acknowledge and share these feelings: *tell* the child you miss them when you call. Or acknowledge, "I know you miss your father (mother)," when the child is separated from the other parent. But missing someone has positive as well as negative sides to it - as children often remind us. In fact, children will often say things like, "Mom, when I'm with you, I get to miss Dad. And when I'm with Dad, I get to miss you."

Of course, good long-distance parenting takes planning and effort. Here are some keys to doing it well:

1. Discuss the move with the children beforehand, let them express their feelings about it, and tell them exactly how you will be staying involved in their lives.
2. Make phone calls to the child, and make them on a regular schedule. Why on a regular schedule? First, so the child can look forward to your calls. Second,

children are reassured by routines. All the better, of course, if you can supplement these regularly scheduled calls with occasional spontaneous calls in between. (DO NOT: Give your child your phone number or pager number and expect them to initiate most of the calls. You should be doing the calling. Parents check up on their children, not the reverse. If they don't, the child feels like an unwanted burden.)

3. Before you call the child, prepare a list of questions and topics to talk about. Otherwise the conversation may drag. Make the questions specific. For example, if you simply ask the child what he or she has been doing, they are likely to say "nothing" or "not much." So ask what they are doing in science class. Or in cub scouts. It's also helpful to make your last couple of topics ones that are among your child's favorites, like their favorite sports hero. Or rock star. If it's one of the child's favorite topics, they will probably get into that one, so the conversation will be lively. And this lets you conclude on an up note.
4. Write letters, short notes, and send funny cards. Getting letters and cards in the mail is a big thing to a child. Also, the mail is inexpensive. If you can, try to keep your letters upbeat, by including at least one amusing story in each letter. Best if this is a story about you or something you have experienced, but even a joke is good. Doing this - always including humor - will tend to keep both you and the child looking forward to these communications.
5. When the child is with you, encourage and help the child to write and respond to letters, notes or cards from the other parent. First of all, this is vital in overcoming the child's tendency to feel torn between the two of you. It is the most effective endorsement of their continued involvement with and feeling for the other parent. It will also reinforce the long-distance parent, helping them to keep up their morale and hence their active involvement with the child.
6. Budget for travel - yours and/or the child's, as needed. And discuss sharing these travel costs with the other parent. Unless he or she has distinctly more income, there is no reason the "nonresidential" parent should have to shoulder all the costs of getting together with the child. Remember: This is *your* child's mother or father. They love and need to be with that parent.



## The Absent Parent

Children are better off with two active parents. Nevertheless, you may be faced with a situation where the other parent is not involved. Perhaps the child has never known this parent. Or, after a period of involvement, the other parent has disappeared from the child's life, with no apparent intention to continue contact. (This is not to be confused with "the long-distance parent." See the previous section in that situation.)

The case of the absent parent presents special problems - for you *and* for your child.

### The Child's Side

For children, the absent parent raises *emotional* issues. Many possibilities come to their minds - all troubling. They wonder if the parent who abandoned them was a cold "monster." If so, are they like that themselves? Or was that parent so wonderful, so high in their standards, that they turned away from both a parent and a child who weren't worthy of them? Or, they wonder, did you run that parent off - rejecting them for weaknesses that the child might have found forgivable? And wouldn't these be weaknesses that, as that person's child, they may have themselves? If so, will you eventually reject them, too?

Above all else, whether they show it or not - these children doubt their own worth; they fear that they're not lovable. "If my own parent didn't want me, who will?" It is up to you to assure the child that the abandonment is not their fault, that they *are* lovable. Assure them not only of your own love, but point out all the other people - relatives, friends, neighbors, teachers, babysitters - who *do* care about the child. This affirms the child's worthiness.

### Expect Some Anger

Children in this situation also have deep feelings of deprivation and resentment. *At times they are likely to direct this resentment toward you, in displays of anger.* We encourage you not to overreact to such displays. This is not to suggest that you should accept any blame for the child's frustrations. Don't turn against yourself - that will leave the child only more depressed, and more insecure about their world. But if you overreact to the child's anger and resentment, they are likely to conclude that it is unsafe to share their feelings with you. Worse, they may conclude that it's unsafe to express their feelings at all. They may go through life pretending - trying to deny their real feelings and rejecting them as unacceptable.

All you need to do is calmly *accept* the child's feelings as normal - to say that you *understand* the child's pain and anger. This encourages the child to express these and other feelings when they need to. And it validates the child as someone whose feelings 1) matter and 2) are okay.

### Who Am I?

If you establish this kind of validation and acceptance of the child's feelings, the child will want to talk about the other parent at times. They will want to know what that parent was like. Certainly, you don't want to give the impression that the other parent is a forbidden topic. It will be helpful if you can say some positive things about the absent parent at times, especially when the child asks about them. After all, the child assumes - correctly - that he or she will be like that parent in many ways.

Do you have any photographs of the absent parent? Why not give them to the child to keep in his or her room? After all, these are not items that you want to be looking at or treasuring yourself. You need to be letting go. Giving any such photos to the child is one of the most effective ways to show that you understand and accept the child's natural interest in and identification with the other parent.

### Special Problems *For You*

You can expect to have additional anger, additional confusion (how could that person do this to you, leaving you with the burden of caring for the child or children alone?), additional worries, and additional feelings of loneliness. And that's just the emotional side. Being left to parent on your own also presents many practical problems: tight budgets, establishing or reestablishing credit, trying to find enough time and energy after work for cooking, cleaning, shopping, laundry, and still spending quality time with the kids. And what about time for yourself? Or a social life? Finally, there is what parents in this situation tell us weighs on them most: having to make parenting decisions alone; not having anyone to discuss these decisions with, to share in the *responsibility* of parenting.

### Enlisting Support

How does one go about handling all of these emotional and practical burdens alone? The best answer is *don't*. Don't do it by yourself. Enlist help. First, there are a number of voluntary organizations you can join, notably Parents Without Partners, and Single Parents Association. Both of these provide a wide range of help: from rap sessions, support groups, and mental health speakers addressing the emotions faced by single parents, to a calendar of social events. Some of the social gatherings are for adults, some for children of various ages, and others for adults and children together. The children's activities (such as Peter Piper pizza parties, bowling, skating, trips to Disneyland and Sea World) are partially subsidized - which helps with the budget. Adult social events include dances and dining out. Parent-child events include camping, skiing, exploring and other outdoor activities. Both organizations also offer practical educational forums - on topics from investment strategies to home health tips. As important as any of the scheduled events is the opportunity to make long-term friends with people like yourself, developing and sharing emotional bonds and personal support systems. One of the authors of this handbook still enjoys close friendships with people he first met years ago at Parents Without Partners.

Another good place to reach out is your local church. Most churches of any size

today have various group activities for children; broken down by age group, up to and including teens. Larger churches, regardless of denomination, usually have “singles” groups for adults as well. If a “singles” group strikes you as too narrow and limiting, simply attending services and regularly hanging around to chat with people afterwards has always been one of the best ways to make quality friends. People of the same religious affiliation as ourselves are people with whom we share important values and priorities.

Other good places to reach out are community recreation centers, the YMCA/YWCA, Valley Big Brothers/Big Sisters, and boys and girls clubs. The Boys and Girls Clubs of Metropolitan Phoenix merit special attention. They offer closely-supervised athletic and other activities, providing positive role models and an emphasis on good citizenship. They have nine locations in the greater Phoenix area, and some of the locations offer sliding fee scales based on the parent’s income. Other locations offer what they call “scholarships.” Their bottom line is: no child is turned away. For more information call the administrative office at (602) 954-8182.

Finally, don’t ignore your relatives, or your children’s relatives on the other side. Grandparents in particular are usually wonderful resources, potential “great parents” to your children. (See earlier section: “Grandparents: Lifelines Of Support.”)

## **Summary**

As we have detailed in this handbook, family court concerns involve many difficult transitions - struggles with legal, economic, emotional, sexual, social, self-care, residential, extended family, and community changes. And, perhaps most difficult of all, trying to meet the needs of your children during these periods of transition and uncertainty.

We sincerely hope that the information and other materials provided in this handbook will help you - the parents - to adjust to these changes well. People can and do find ways to work together as *good* parents parenting apart. No, you won’t accomplish this overnight. Nor will you do it without making a few mistakes along the way. But we know two things. One, although the courts can help at times, there is no Family Court “Good Fairy” to wave a wand and make things come out right. No judge can do that for you either. You will have to work at it. Two, your children are counting on it.